

APR 15 2004

Docket No. ASHBY/1 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not Yet Assigned  
Group Art Unit : 1632  
Applicant : Matthew Ashby  
Application No.: 10/607,077 Confirmation No.: 1068  
Filed : June 25, 2003  
For : METHODS FOR THE SURVEY AND GENETIC  
ANALYSIS OF POPULATIONS

New York, New York  
April 14, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR  
INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith is an Information Disclosure  
Statement in the above-identified application. This Statement  
is submitted:

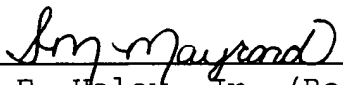
- ☐ [ ] within three months of the application filing date;
- ☒ [X] more than three months from the application filing date but before the mailing date of the first Office Action on the merits.

ED 087471589 US

In accordance with 37 C.F.R. § 1.97, submission of this Statement requires no fee. However, if for any reason a fee is due, the Director is hereby authorized to charge payment of any fees required in connection with this Information Disclosure Statement to Deposit Account No. 06-1075.

The Director is also hereby authorized to charge payment of any additional fees required in connection with the accompanying Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 06-1075. A duplicate copy of this letter is transmitted herewith.

Respectfully submitted,

  
\_\_\_\_\_  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicant  
Shawn-Marie Mayrand (Reg. No. 48,986)  
Lawrence M. Brown (Reg. No. 52,660)  
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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant makes of record the following documents, which are listed on the enclosed Form PTO-1449.

United States Patents

5,055,397	issued October 8, 1991	Michaels et al.
5,093,236	issued March 3, 1992	Gonzales-Prevatt et al.
5,695,937	issued December 9, 1997	Kinzler et al.
5,866,330	issued February 2, 1999	Kinzler et al.
5,981,190	issued November 9, 1999	Israel, D.
6,613,520	Issued September 2, 2003	Ashby, M.

### Other Documents

Farrelly, Vincent et al., "Effect of Genome Size and *rrn* Gene Copy Number on PCR Amplification of 16S rRNA Genes from a Mixture of Bacterial Species," *Applied and Environmental Microbiology* 61(7): 2798-2801 (1995).

Hugenholtz, Philip et al., "Impact of Culture-Independent Studies on the Emerging Phylogenetic View of Bacterial Diversity," *Journal of Bacteriology* 180(18): 4765-4774 (1998).

Liu, Wen-Tso et al., "Characterization of Microbial Diversity by Determining Terminal Restriction Fragment Length Polymorphisms of Genes Encoding 16S rRNA," *Applied and Environmental Microbiology* 63(11): 4516-4522 (1997).

Margulies, Elliot H. et al., "eSAGE: Managing and Analysing Data Generated with Serial Analysis of Gene Expression (SAGE)," *Bioinformatics* 16(7): 650-651 (2000).

Muyzer, Gerard et al., "Profiling of Complex Microbial Populations by Denaturing Gradient Gel Electrophoresis Analysis of Polymerase Chain Reaction-Amplified Genes Coding for 16S rRNA," *Applied and Environmental Microbiology* 59(3): 695-700 (1993).

Pace, Norman R., "A Molecular View of Microbial Diversity and the Biosphere," *Science* 276: 734-740 (1997).

Relman, David A., "Detection and Identification of Previously Unrecognized Microbial Pathogens," *Emerging Infectious Diseases* 4(3): 382-389 (1998).

Torsvik, Vigdis et al., "High Diversity in DNA of Soil Bacteria," *Applied and Environmental Microbiology* 56(3): 782-787 (1990).

Unrau, Paul et al., "Non-cloning Amplification of Specific DNA Fragments from Whole Genomic DNA digests using DNA 'Indexers'," *Gene* 145: 163-169 (1994).

Velculescu, Victor E. et al., "Serial Analysis of Gene Expression," *Science* 270: 484-487 (1995).

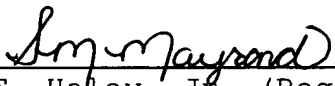
Voordouw, Gerrit et al., "Characterization of 16S rRNA Genes from Oil Field Microbial Communities Indicates the Presence of a Variety of Sulfate-Reducing, Fermentative, and Sulfide-Oxidizing Bacteria," *Applied and Environmental Microbiology* 62(5): 1623-1629 (1996).

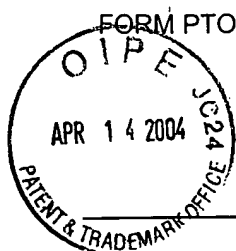
Zhang, Lin et al., "Gene Expression Profiles in Normal and Cancer Cells," *Science* 276: 1268-1272 (1997).

REMARKS

Applicant requests that the cited documents be (1) fully considered by the Examiner during the course of examination of this application and (2) printed on any patent issuing from this application. Applicant also request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

Respectfully submitted,

  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicant  
Shawn-Marie Mayrand (Reg. No. 48,986)  
Lawrence M. Brown (Reg. No. 52,660)  
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE  
STATEMENT BY APPLICANTATTY. DOCKET NO.  
ASHBY/1 DIVAPPLICATION NO.  
10/607,077APPLICANT  
Matthew AshbyCONFIRMATION NO.  
1068FILING DATE  
June 25, 2003GROUP ART UNIT  
1632

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,055,397	10/08/91	Michaels et al.	435	9	
	5,695,937	12/09/97	Kinzler et al.	435	6	
	5,866,330	02/02/99	Kinzler et al.	435	6	
	5,981,190	11/09/99	Israel, D.	435	6	
	5,093,236	03/03/92	Gonzalez- Prevatt et al.	435	9	
	6,613,520	09/02/03	Ashby, M.	435	6	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	Farrelly, Vincent et al., "Effect of Genome Size and <i>rrn</i> Gene Copy Number on PCR Amplification of 16S rRNA Genes from a Mixture of Bacterial Species," <i>Applied and Environmental Microbiology</i> 61(7): 2798-2801 (1995).
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. ASHBY/1 DIV	APPLICATION NO. 10/607,077
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